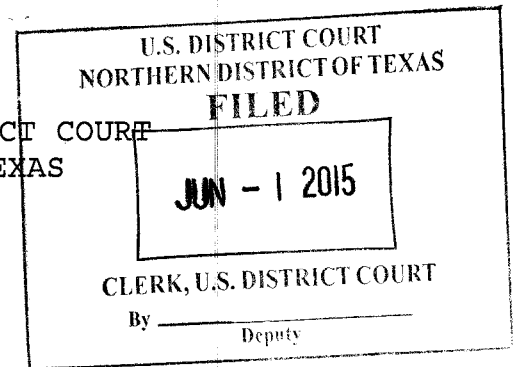


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



HENRY LEE SIMS, JR., ET AL.,

Plaintiffs,

VS.

KIA MOTORS AMERICA, INC.,
ET AL.,

Defendants.

§
§
§
§
§
§
§
§
§
§

NO. 4:14-CV-045-A

ORDER

Came on for consideration the motion of defendants, Kia Motors America, Inc., and Kia Motors Corporation, to exclude testimony of plaintiffs' expert Jerry Wallingford. The court has already granted the motion in part, excluding Wallingford's testimony as to the polymer access cover over the fuel tank and the cause, nature and extent of injuries suffered by the occupants of the rear of the vehicle at the time of the occurrence in question by order signed May 27, 2015, and excluding Wallingford's testimony regarding crashworthiness by ruling during the pretrial conference. The court, having considered the motion, the response, the reply, the record, applicable authorities, and the discussion had during the pretrial conference, finds that the remainder of the motion should be granted.

The court finds that Wallingford's proffered expert opinions and related testimony regarding the fuel tank straps and fuel

tank shield are unreliable and thus, inadmissible for the lack of reliance on sufficient facts or reliable underlying data, and do not satisfy any of the standards set forth in parts (a)-(d) of Rule 702 of the Federal Rules of Evidence. In particular, Wallingford's opinions are based on the premise that "[f]ollowing the initial crash, the fuel tank deformed downward some distance from its mounted position and was therefore close to the roadway." Defs.' App. At 73 (Wallingford rpt. at 23). However, the premise is based on the testimony of Michael McCort, which the court has already determined is not reliable and is inadmissible. Therefore, the court hereby excludes the proffered expert opinions and related testimony of Wallingford on those subjects and hereby ORDERS that plaintiffs make no attempt to inform the jury of whatever opinions Wallingford might have on those subjects.

SIGNED June 1, 2015.



JOHN McBRIDE
United States District Judge